

Testimony Against HB 0109

Given by: Dr. Bowman Smelko, Psy.D. Licensed Forensic Psychologist and Full MSOTA Clinical Member

Mr. Chairman and members of the board,

HB 109 is, at its roots, an extension of the Federal Adam Walsh Act of 2006. This act came into being after the abduction of several high profile children in the United States. The Federal Government has attempted to mandate the adoption of this act to all states. The mandates are tied to federal crime prevention funding. The Federal Government has allowed each state to write their own versions of this Act, which Montana did in 2009.

While I grasp the need for consistency in our Judicial system I would like to put forward several points of HB 109 which I strongly oppose. Although I concur with other opponents that Tier designation in general should be based on the most current research and expressed through evaluation, I am here to discuss my concerns with regards to how this bill presents injustice to Adolescents who are sexually abusive.

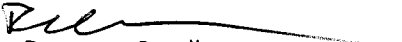
I would like to present statistics to put my argument in context. Unlike Adult recidivism rates which can reach as high as 80% in the worst case scenario, Adolescent recidivism rates top out at 14%. Therefore when categorizing youth and adults we are not comparing apples to apples. These two populations, as research clearly points out, are vastly different in the pathways to their offending, in amenability to treatment, and ultimately in the risk they pose to our community.

Given the rates of re-offense for adolescents top out at 14%, this also gives concern to the idea of fixed Tier Levels. A Tier III adult Offender (deemed a sexually violent predator) and a Tier III Adolescent Offender (also which would be deemed a sexually violent offender) would not at all pose the same risk or have the same profile, yet if they commit the same crime they would be labeled the same, creating confusion, fear, and panic to the general public. This would likely create unfounded fear, social isolation, rejection, difficulty in school, and ultimately would drive these youth towards Antisocial life styles and peer groups..... Which research clearly shows increases risk for this group, and ultimately the community.

Registration for all Adolescents is also counter productive for community safety. Not only has research never supported registration as a tool which has increased community safety, it has been shown to increase recidivism in all Low risk offenders. I would argue with a recidivism rate of 14% being the top end of recidivism for Adolescents that very few Adolescent offenders would require registration, and, current laws allow that discretion..... Unlike the proposed bill. I appeal to the committee to vote down this bill in its entirety.

Thank you for your consideration in this manner.

Respectfully Submitted,


Dr. Bowman Smelko